

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH MANTHA, *on behalf of himself
and all others similarly situated,*

Plaintiff,

v.

QUOTEWIZARD.COM, LLC,

Defendant.

Civil Action No. 1:19-cv-12235-LTS

DECLARATION OF TRICIA WINKLER

I, Tricia Winkler, do hereby declare as follows:

1. I am over the age of 18 and competent to sign this Declaration. I submit this Declaration for Defendant QuoteWizard.com, LLC (“QuoteWizard”). I make this Declaration based on my personal knowledge of QuoteWizard’s corporate records and practices, and based upon my review of those records. If called as a witness, I could and would testify competently to the matters stated herein.

2. I am employed by QuoteWizard as Vice President of Call Operations. I am familiar with and have personal knowledge of QuoteWizard’s business practices and records discussed herein in that role.

3. Based on my experience at QuoteWizard, I am familiar with QuoteWizard’s practices for receiving, storing, and maintaining information about consumers who have made “do not call” requests.

4. QuoteWizard previously produced to Plaintiff Joseph Mantha (“Plaintiff”) a partially redacted list of persons (identified by their telephone numbers) who made “do not call”

requests to Drips Holdings LLC (“Drips”) where Drips had sent them text messages on behalf of QuoteWizard. The “do not call” list that was produced was partially redacted to protect consumers’ telephone numbers. The “do not call” list reflects that certain consumers made “do not call” requests to Drips directly. Drips then sends to QuoteWizard an electronic notification with the consumer’s telephone number signaling that a particular consumer wants to opt out of future text messages. The information provided from Drips to QuoteWizard contains the consumer’s telephone number and four other descriptive data points (such as date of the request), but does not contain the underlying communications that triggered Drips to designate them as “do not call” requests.

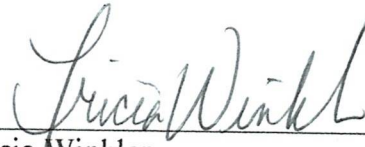
5. QuoteWizard did not create the “do not call” list. Rather, QuoteWizard has this list in its possession, custody, and control only because Drips sent these “do not call” requests to QuoteWizard for QuoteWizard’s records.

6. Drips does not send to QuoteWizard copies of the communications made to Drips that leads Drips to classify them as “do not call” requests. QuoteWizard does not have these records in its possession, custody, or control and never has. QuoteWizard has no knowledge of the existence or nature of such records that may be in Drips’ possession.

7. Therefore, QuoteWizard does not have in its possession, custody, or control “all comments by consumers related to the 46,000 Do Not Call requests, whether pertaining to ‘complaints’ about the texts received or simply ‘opt-outs,’ made by consumers who received telemarketing texts from QuoteWizard (including those made on behalf of QuoteWizard by Drips).” *See* ECF No. 132.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 22 day of January, 2021, at Sacramento, California.

A handwritten signature in cursive script, appearing to read "Tricia Winkler", written over a horizontal line.

Tricia Winkler
Vice President, Call Operations
QuoteWizard.com, LLC